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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/529,240

03/25/2005

David Politzer

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EXAMINER

CHOWDHURY, AFROZA Y

ART UNIT

PAPER NUMBER

2629

MAIL DATE

DELIVERY MODE

10/25/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/529,240

Applicant(s)

POLITZER ET AL.

Examiner

Afroza Y. Chowdhury

Art Unit

2629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5,7-9 and 11-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5,7-9 and 11-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Applicant's amendment received on **September 20, 2007** has been entered. Claims 6 and 10 have been cancelled. Claims 1-5, 7-9, and 11-13 are currently pending. Applicant's newly added claims and arguments are addressed herein below.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-5, 7-9, and 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tada et al. (US Patent 2002/0109674).

As to claim 1, Tada et al. discloses a device, comprising a trackball (fig. 1(1)), the trackball having a movable part (fig. 1(2), ball),

and a body (fig. 1(3), case) inside which the movable part (fig. 1(2), ball) can move,

the trackball (fig. 1(1)) delivering an item of information on the orientation of the movable part (fig. 1(2), ball) relative to the body (fig. 1(3)),

the device also comprising a cover (figs. 1, 2(6), case cover) inside which the trackball (fig. 1(1)) is attached,

the cover (figs. 1, 2(6), case cover) being separate from the body (fig. 1(3)) and comprising an opening (fig. 2, page 3, [0047]) allowing the movable part (fig. 1(2), ball) of the trackball (fig. 1(1)) to appear in order to operate the movable part (fig. 1(2), ball) from outside the cover (figs. 1, 2(6), case cover),

the trackball (fig. 1(1)) comprising maintenance means (page 3, [0047] – [0049]), comprising means (figs. 1, 2(6), case cover) for gaining access (page 3, [0047]) to the means of maintaining the trackball (fig. 1(1)) from outside the cover (figs. 1, 2(6), case cover),

in that the means for gaining access (page 3, [0047]) to the maintenance means comprises a window (fig. 1(8)) removably attached to the cover (figs. 1, 2(6), case cover) so as to gain access (page 3, [0047]) to the maintenance means (page 3, [0047] – [0049]) by removing the window (fig. 1(8)) and without removing the trackball (fig. 1(1)) from the cover (figs. 1, 2(6), case cover), and

wherein a ring (figs. 1, 2(7)), which is separate from the window (fig. 1(8)), is attached to the body (fig. 1(3), case).

Tada et al. does not specifically teach that whether the ring is configured to prevent the movable part from losing contact with the body.

However, it is obvious that the ring is preventing the movable part from losing contact with the body.

As to claim 2, Tada et al. teaches a device wherein the window (fig. 2(8)) has the shape of a disk with a hole (fig. 2(7)) therein and in that the hole forms the opening of the cover (page 3, [0047]).

As to claim 3, Tada et al. teaches a device wherein the hole (fig. 2) has a shape matching the shape of the movable part (fig. 2(2), ball) so as to limit the penetration of particles inside the cover (figs. 1, 2(6), case cover).

As to claims 4, 8, and 9, Tada et al. discloses a device comprising means of emptying out particles (page 3, [0052]) penetrating inside the cover (figs. 1, 2(6), case cover).

Tada et al. does not teach that the particles are trapped between the window and the trackball.

However, it is obvious that the particles are trapped between the window and the trackball and Tada et al. teaches emptying out those particles (page 3, [0052]).

As to claim 5, Tada et al. teaches a device wherein the emptying means (page 3, [0052]).

Tada et al. does not explicitly teach that the cavity is acting as a collector.

However, it is obvious that the cavity is acting as a collector that is collecting all the particles.

Art Unit: 2629

As to claims 11-13, Tada et al. teaches a device wherein the trackball (fig. 1(1)) comprises a ring (figs. 1, 2(7)) attached to the body (fig. 1(3), case).

Tada et al. does not specifically teach that whether the ring is configured to prevent the movable part from losing contact with the body.

However, it is obvious that the ring is preventing the movable part from losing contact with the body.

As to claim 7, Tada et al. teaches a device wherein the ring belongs to the maintenance means (page 3, [0048] – [0049], [0055]).

Response to Arguments

4. Applicant's arguments filed **September 20, 2007** have been fully considered but they are not persuasive.

Applicant argues that "the claimed window" is not found in Tada et al. The examiner respectfully disagrees. Tada et al. teaches a window (fig. 2(8)) which is separate than a ring (figs. 1, 2(7)).

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 2629

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Afroza Y. Chowdhury whose telephone number is 571-270-1543. The examiner can normally be reached on 7:30-5:00 EST, 5/4/9.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amare Mengistu can be reached on 571-272-7674. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2629

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AC
10/16/2007


AMARE MENGISTU
SUPERVISORY PATENT EXAMINER